



STATE OF WASHINGTON

STATE BUILDING CODE COUNCILWashington State Energy Code Development
Standard Energy Code Proposal Form

Jan 2022

Log No. 21-GP3-008Code being amended: ☐ Commercial Provisions ☒ Residential ProvisionsCode Section # Table R406.2**Brief Description:**

Table R406.2 Changes:

1. Reverting back to 0 credits for system type 1 (combustion heating equipment) as provided in the 2018 WSEC-R.
2. Delete system type 2 (heat pump with supplemental heating). This newly added system type in the 2021 WSEC-R did not exist in the previous 2018 edition.
3. Removing the “based on electric resistance” limitation for system type 5.

Proposed code change text: (Copy the existing text from the Integrated Draft, linked above, and then use underline for new text and ~~strikeout~~ for text to be deleted.)

TABLE R406.2
FUEL NORMALIZATION CREDITS

System Type	Description of Primary Heating Source	Credits	
		All other	Group R-2 ^a
1	For combustion heating equipment meeting minimum federal efficiency standards for the equipment listed in Table C403.3.2(5) or C403.3.2(6)	3.0 <u>0</u>	0
2	For an initial heating system using a heat pump that meets federal standards for the equipment listed in Table C403.3.2(2) and supplemental heating provided by electric resistance or a combustion furnace meeting minimum standards listed in Table C403.3.2(5)^b	0	0
3	For heating system based on electric resistance only (either forced air or Zonal)	-1.0	-0.5
4^c	For heating system using a heat pump that meets federal standards for the equipment listed in Table C403.3.2(2) or C403.3.2(9) ^b or Air to water heat pump units that are configured to provide both heating and cooling and are rated in accordance with AHRI 550/590	1.5	2.0
5	For heating system based on electric resistance with: 1. Inverter-driven ductless mini-split heat pump system installed in the largest zone in the dwelling, or 2. With 2kW or less total installed heating capacity per dwelling	0.5	0

Purpose of code change:

This proposal begins to remedy conflicting provisions in the WSEC-R that are preempted by federal law (EPCA).

System Type 1: Assigning any negative value, much less a negative value of such large magnitude, to a covered product (42 U.S.C. § 6295) that meets federal guidelines violates EPCA.

System Type 2: Penalizing the addition of supplemental (backup) heat via completely removing all fuel normalization credits that would otherwise have been received from installing a heat pump (system type 4) is effectively the same as prohibiting supplemental (backup) heating appliances which are covered products (42 U.S.C. § 6295).

System Type 3: Limiting this system to only those based upon electric resistive heating excludes (prohibits) a plethora of covered products (42 U.S.C. § 6295).

For any covered product, “EPCA, 42 U.S.C. § 6297(c), expressly preempts State and local regulations concerning the energy use” California Restaurant Ass'n v. City of Berkeley (9th Cir. 2023).

Your amendment must meet one of the following criteria. Select at least one:

- | | |
|---|--|
| <input type="checkbox"/> Addresses a critical life/safety need. | <input checked="" type="checkbox"/> Consistency with state or federal regulations. |
| <input type="checkbox"/> The amendment clarifies the intent or application of the code. | <input type="checkbox"/> Addresses a unique character of the state. |
| <input type="checkbox"/> Addresses a specific state policy or statute.
(Note that energy conservation is a state policy) | <input type="checkbox"/> Corrects errors and omissions. |

Check the building types that would be impacted by your code change:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Single family/duplex/townhome | <input type="checkbox"/> Multi-family 4 + stories | <input type="checkbox"/> Institutional |
| <input checked="" type="checkbox"/> Multi-family 1 – 3 stories | <input type="checkbox"/> Commercial / Retail | <input type="checkbox"/> Industrial |

Your name	Gregory Johnson	Email address	gregory.johnson@avistacorp.com
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Your organization	Avista Corporation	Phone number	509-495-4928
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Other contact name [Click here to enter text.](#)

Economic Impact Data Sheet

Is there an economic impact: ☐ Yes ☒ No

Briefly summarize your proposal's primary economic impacts and benefits to building owners, tenants, and businesses. If you answered "No" above, explain your reasoning.

In reference to the currently in force 2018 WSEC-R, there is zero economic impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed. This proposal averts any cost increases that this section of the 2021 WESC would have created.

Provide your best estimate of the **construction cost** (or cost savings) of your code change proposal? (See OFM Life Cycle Cost [Analysis tool](#) and [Instructions](#); use these [Inputs](#). [Webinars on the tool can be found Here](#) and [Here](#))

\$0 /square foot (For residential projects, also provide **\$0 / dwelling unit**)

Show calculations here, and list sources for costs/savings, or attach backup data pages

Provide your best estimate of the **annual energy savings** (or additional energy use) for your code change proposal?

0 KWH/ square foot (or) 0 KBTU/ square foot

(For residential projects, also provide **0 KWH/KBTU / dwelling unit**)

Show calculations here, and list sources for energy savings estimates, or attach backup data pages

In reference to the currently in force 2018 WSEC-R, there is zero energy impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed.

List any **code enforcement** time for additional plan review or inspections that your proposal will require, in hours per permit application:

Zero impact to plan review or inspection time or process.

Small Business Impact. Describe economic impacts to small businesses:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero small business impact in relation to the currently in force 2018 WSEC-R.

Housing Affordability. Describe economic impacts on housing affordability:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero housing affordability impact in relation to the currently in force 2018 WSEC-R.

Other. Describe other qualitative cost and benefits to owners, to occupants, to the public, to the environment, and to other stakeholders that have not yet been discussed:

Reduces legal risk and uncertainty to building officials, municipalities, and the state related to conflicting provisions in this code that are preempted by federal law.